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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,292	11/27/2001	Rimas Buinevicius	070156-0168	9711
26371	7590	11/10/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,292

Applicant(s)

BUINEVICIUS ET AL.

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Election/Restrictions*

2. Restriction to one of the following inventions is required under 35 USC 121:

Group I: Claims 1-25 drawn to a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, classified in Class 707, subclass 102.

Group II, Claims 20-22, drawn to a graphical user interface configured to retrieve, view, manage, compare, and annotate captured media, biometric, and database information associated with an individual and analysis of the information, classified in Class 345, subclass 618.

The inventions are distinct, each from the other because of the following reasons:

Inventions I - IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the respective inventions has a separate utility as in a system not having the others. See M.P.E.P. § 806.05(d).

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for the other Groups, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

An oral election was made with traverse of Group I, claims 1-25 by Mr. Paul S. Hunter on October 28, 2004. Group II, claims 26-30, are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9, 11-12, 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159).

As to claims 1, 14, 21, Hamid teaches "A method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising: capturing media, biometric, and database information associated with an individual" at col. 17, line 57 to col. 18, line 29, col. 9, line 48 to col. 10, line 21;

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“processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals” at col. 18, lines 31-65, col. 10, lines 22-65.

Hamid does not expressly teach “providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis”. However, Wilson teaches this limitation at col. 8, lines 33-50, col. 6, lines 54-67, col. 7, lines 45-64.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hamid with the teachings of Wilson to include “providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis” in order to provide a method for reliable, efficient and readily expandable storing, searching, and matching of biometric data in a relatively large database.

**As per claim 2,** Willson teaches “the media, biometric, and database information includes a facial image, voice audio, or fingerprint” at col. 7, lines 8-24.

**As to claims 3, 15,** Wilson teaches “including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual” at col. 5, lines 30-43.

**As to claims 4, 16,** Hamid teaches “forming a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual” at col. 5, line 4 to col. 6, line 26.

**As to claims 5, 17,** Hamid teaches “selectively presenting the summary profile in the user interface” at col. 15, line 62 to col. 16, line 52.

**As to claims 6, 18,** Hamid teaches “the selective presentation of the summary profile in the user interface is in response to a search query” at col. 17, line 15 to col. 18, line 29.

**As to claims 7, 19,** Wilson teaches “providing for a user defined search of digital information associated with a number of individuals” at col. 9, lines 7-18.

**As to claims 8, 20,** Wilson teaches “conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored” at col. 9, lines 7-18, col. 11, lines 47-65.

**As per claim 9,** Wilson teaches “the more like this search uses speech, facial, and other biometric information to find matches” at col. 7, lines 8-24.

**As per claim 11,** Wilson teaches “processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of

individuals includes analyzing the media, biometric, and database information with respect to identification factors” at col. 9, lines 31-50, col. 5, lines 30-43.

**As per claim 12**, Wilson teaches “processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match” at col. 7, lines 8-64, col. 8, line 66 to col. 9, line 30.

**As per claim 22**, Wilson teaches “a presentation device, wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual” at col. 8, lines 51-65, col. 5, lines 29-43, col. 6, lines 53-67.

**As per claim 23**, Wilson teaches “an interface device configured to connect the CPU with a network of computers” at col. 5, lines 30-43.

**As per claim 24**, Wilson teaches “the CPU is further configured to assign timing information to the captured media, biometric, and database information associated with the individual” at col. 7, lines 8-24, col. 5, lines 30-43.



**As per claim 25**, Hamid teaches “the CPU is further configured to form a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual” at col. 5, line 4 to col. 6, line 26.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Musgrave et al. (US Patent No. 6,505,193).

**As per claim 10**, Hamid, Wilson do not specifically teach “capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual”. However, Musgrave teaches at col. 12, lines 43-57.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hamid, Wilson with the teachings of Musgrave to include “displaying video thumbnails of video images of the number of individuals on the user interface” in order to provide a system and method for conducting fast, accurate, cost-effective biometric database searches.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Kaplan et al. (US Pub. No. 2001/0056434).

As per claim 13, Wilson does not expressly teach "displaying video thumbnails of video images of the number of individuals on the user interface". However, Kaplan teaches this limitation [0008], [0052], [0067].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hamid, Wilson with the teachings of Kaplan to include "displaying video thumbnails of video images of the number of individuals on the user interface" in order to provide users with a simple and intuitive method and system for storing, manipulating, and displaying multimedia content.

### *Conclusion*

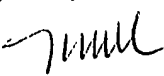
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

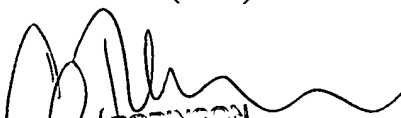
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Miranda Le  
October 27, 2004

  
GABRIELA ROBINSON  
PRIMARY EXAMINER